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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/081,798 | 02/22/2002 | Nelson Cordova | 12378 | 1757 |

7590 05/21/2004
Richard W. Goldstein
2071 Clove Road
Staten Island, NY 10304

EXAMINER

PERRIN, JOSEPH L

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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1746

DATE MAILED: 05/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

CF

Office Action Summary

Application No.

10/081,798

Applicant(s)

CORDOVA, NELSON

Examiner

Joseph L. Perrin, Ph.D.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4 is/are allowed.
- 6) ☒ Claim(s) 5 and 6 is/are rejected.
- 7) ☒ Claim(s) 7 and 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure:

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because the abstract exceeds 150 words. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical

Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claim 5 is rejected under 35 U.S.C. 102(e) as being anticipated by US 6,584,993 to Chang.

Chang discloses a cleaning device for use with internal combustion engines, the device including a housing 87 having a first side with a fuel in port nipple connected to a fuel tank 85, a second opposite side with a fuel out port nipple connected to an engine 70, and a cleaner in port adjacent to the in port and out port and connected to a cleaning reservoir 50 (see col. 3, lines 24-42, col. 4, lines 13-28 & Figure 4). While Chang does not expressly disclose the cleaner in port being on the "bottom" of the housing, the recitation of Chang reads on applicant's claims since such a term is a relative term dependent on the variable orientation of the housing. The device of Chang would function adequately if the housing 87 were to be rotated to position the cleaning in port in a "bottom" orientation.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,584,993 to Chang in view of US 5,287,834 to Flynn.

Recitation of Chang is repeated here from above. Although Chang discloses a valved cleaning supply (reverse flow valve 67), Chang does not expressly disclose an adjustment valve for controlling cleaning fluid flow.

Flynn teaches that it is known to provide a cleaning reservoir (44) connected to an inline fuel line housing with a valve (metering means 47) for the purpose of "metering a precise quantity of the agent into the chamber" (see col. 5, lines 48-51). Therefore, the position is taken that a person of ordinary skill in the art at the time the invention was made would have been motivated to modify the cleaning supply of Chang, with the metering means of Flynn for the purpose

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of adjusting and controlling cleaning fluid flow delivered to the fuel line of an engine to be cleaned.

Allowable Subject Matter

9. Claims 1-4 are allowed.
10. Claims 7-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
11. The following is a statement of reasons for the indication of allowable subject matter: The closest prior art or record, US 6,584,993 to Chang & US 5,287,834 to Flynn, fail to teach each and every limitation of the instant invention. Specifically, Chang & Flynn fail to teach or suggest the claimed device further including a first mechanical filter within the main housing adjacent to a fuel in port for filtering fuel prior to mixing with cleaner from the reservoir, which is disclosed as an essential element of claimed invention, as described in independent claim 1 (and claims 2-4 dependent thereon) and dependent claims 7-8.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US 6,238,554 to Martin, Jr. *et al.*, which discloses a fuel filter with internal slow release fuel additive.

US 6,073,907 to Schreiner, Jr. *et al.*, which discloses a three-way fluid connector with female-type connector nipples (288,290,306, see Figure 24).

US 5,516,370 to Karnauchow *et al.*, which discloses a cleaner reservoir for in-line attachment to a fuel line for engine cleaning.

US 5,257,604 & US 5,097,806, each to Vataru *et al.*, which discloses a cleaner reservoir for in-line attachment to a fuel line for engine cleaning.

US 4,784,170 to Romanelli *et al.*, which discloses a fuel injection cleaning kit for attachment to an engine.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph L. Perrin, Ph.D. whose telephone number is (571)272-1305. The examiner can normally be reached on M-F 7:00-4:30, except alternate Fridays.

14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy P. Gulakowski can be reached on (571)272-1302. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Joseph L. Perrin, Ph.D.
Examiner
Art Unit 1746

A handwritten signature in black ink, appearing to read 'J. L. Perrin', written in a cursive style.

jlj